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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,935	05/15/2001	Alon Atsmon	100/02232	2190

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REED SMITH, LLP
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599 LEXINGTON AVENUE, 29TH FLOOR
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EXAMINER

LEMMA, SAMSON B

ART UNIT PAPER NUMBER

2132

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/831,935	ATSMON, ALON	
	Examiner	Art Unit	
	Samson B Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/17/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris et al. (hereinafter referred to as Morris) (U.S. Patent No. 5,764,900).

4. As per claim 1, Morris discloses a method of communicating with an electronic device, comprising:

providing a computer having an sound receiving and generating sub-system including a microphone; (column 1, lines 18-26; column 2, lines 42-47)

providing a personal communicator which utilizes a communication network; (column 1, lines 54-57; column 1, lines 48-50; column 2, lines 55-58) (the personal communicator is interpreted by the office as the computer or any device that receives or sends the acoustic information from the sending or receiving computer and finally communicate the information to the destination

or the intended user using the speaker or microphone)

initiating a connection by said computer, over said communications network, to said personal communicator ; and (column 2, lines 47-51; column 2, lines 39-41; column 1, lines 14-26; column 5, lines 35-44)

identifying said personal communicator responsive to an audio response of said personal communicator to said connection initiation; (column 6, lines 31-33; column 6, 34-51).(Identifying the source address of the generated acoustic signals at the receiving end meets the recitation of this claim).

5. As per claim 2, Morris discloses the method as applied to claim 1 above. Furthermore, Morris discloses a method wherein initiating a connection comprises directly accessing said communication networks from said computer using dedicated hardware. (column 3, lines 28-52; column 2, lines 47-51)

6. As per claim 3, Morris discloses the method as applied to claim 2 above. Furthermore, Morris discloses a method wherein said hardware comprises a dialer card.(column 3, lines 53-55; column 3, lines 66-67 and column 4, lines 1-5).

7. As per claim 4, Morris discloses the method as applied to claim 1 above. Furthermore, Morris discloses a method wherein initiating a connection comprises accessing a non-computer data network other than said communication network directly from said computer using dedicated hardware and utilizing a link between said non-computer network and said communications network.(column 2, lines 42-54; column 1, lines 27-36) (It is interpreted by the office that initiating a connection by the user by generating sound and transferring the generated sound to the client computer using the computer hardware meets the recitation of accessing non-computer data

Art Unit: 2132

network directly from said computer using the dedicated hardware and communicating this acoustic signal to the other computers using the communication network meets the recitation of the rest of the claim).

8. As per claim 5, Morris discloses the method as applied to claim 1 above.

Furthermore, Morris discloses a method wherein initiating a connection comprises requesting a second computer to create such a connection which request is made over a computer network. (column 2, lines 47-54; column 1, lines 27-36)

9. As per claim 6, Morris discloses the method as applied to claim 1 above.

Furthermore, Morris discloses a method wherein said initiation by said computer causes said personal communicator to generate a distinct audio response.(column 2, lines 55-58)

10. As per claim 7, Morris discloses the method as applied to claim 6 above.

Furthermore, Morris discloses a method comprising requesting, by said computer a distinctive audio response.(column 6, lines 29-31; column 6, lines 14-17; column 6, lines 39-45).

11. As per claim 8, Morris discloses the method as applied to claim 1 above.

Furthermore, Morris discloses a method comprising transmitting data signals to said personal communicator to be acoustically sounded and received by said computer.(column 1, lines 18-26; column 2, lines 42-52).(the personal communicator is interpreted by the office as the computer or any device that receives or send the acoustic information from the sending or receiving computer and finally communicate the information to the destination or the intended user using the speaker or microphone)

Art Unit: 2132

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 9-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (hereinafter referred to as Morris) (U.S. Patent No. 5,764,900) in view of Mark (hereinafter referred to as Mark) (U.S. Patent No. 5,583,933)

14. As per claim 9, Morris discloses a method of authentication, comprising:

providing a computer having an sound receiving and generating sub-system including a microphone;(column 1, lines 18-26; column 2, lines 42-47)

providing a personal communicator which utilizes a communication network; (column 1, lines 54-57; column 1, lines 48-50; column 2, lines 55-58)

(the personal communicator is interpreted by the office as the computer or any device that receives or sends the acoustic information from the sending or receiving computer and finally communicate the information to the destination or the intended user using the speaker or the microphone)

opening a connection, over said communications network, between said computer and said personal communicator; and (column 2, lines 47-51; column

2, lines 39-41; column 1, lines 14-26; column 5, lines 35-44)

Furthermore, Morris discloses the transmission of identification signals (which is appended to each message packets) to determine the intended virtual source of the sound (audio transmission) between the computer and the personal communicator and this identification signals is examined by the signal enhancement routines. (column 6, lines 14-17). (the personal communicator is interpreted by the office as the computer or any device that receives or send the acoustic information from the sending or receiving computer and finally communicate the information to the destination or the intended user using the speaker or microphone). Morris does not explicitly teaches transmitting authentication signals over a closed loop including both an audio transmission section between the computer and the personal communicator and a section over the communications network. However, Mark discloses the transmitting authentication signals or the device identification information over a closed loop (between the computer or auto dialer and personal communicator which is the telephone used) including both an audio transmission section (the transmission of audio authentication signal first between the auto dialer or computer and personal communicator (telephone) over the communication network to reach to the switching circuit system. The switching circuit system authenticates the auto dialer or the computer after checks the database containing information about the auto-dialer and finally determines the computer or the device is authorized or unauthorized . (figure 6; column 34, lines 57-63; column 35, lines 18-42).

Accordingly, It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the authentication techniques as per teachings of Mark into method taught by Morris in order to enhance and

Art Unit: 2132

strengthen the security features of transmitting authentication signals over the communication network.

15. As of claim 10, the combination of Morris and Mark disclose the method as applied to claim 9 above. Furthermore Morris discloses a method wherein said computer initiates opening said connection. (column 1, lines 30-35; column 2, lines 47-51)

16. As of claim 11, the combination of Morris and Mark disclose the method as applied to claim 9 above. Furthermore Morris discloses a method, wherein said personal communicator initiates opening said connection.(column 2, lines 55-58).(the personal communicator is interpreted by the office as the computer or any device that receives or sends the acoustic information from the receiving or sending computer and finally communicate the information to the destination or the intended user using the speaker or microphone)

17. As of claim 12, the combination of Morris and Mark disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals (device identification information) comprise sound waves generated by said computer (auto dialer) and transmitted by audio to said personal communicator (telephone). (column 37, lines 57-63;column 35, lines 1-9)

18. As of claim 13. the combination of Morris and Mark disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals (device identification information) comprise sound waves generated by a remote computer (auto dialer which is remotely located) and transmitted by said communication network to said personal communicator

Art Unit: 2132

(telephone at receiving or destination end). (column 35, lines 18-35; figure 6, step "1110") (It is interpreted by the office the personal communicator in this case is the the telephone that is supposed to receive the long distance call at destination end.)

19. As of claim 14, the combination of Morris and Mark disclose the method as applied to claim 13 above. Furthermore Mark discloses a method wherein said remote communicator initiates said connection. (column 25, lines 59-63; column 35, lines 35-42).

20. As of claim 15, the combination of Morris and Mark disclose the method as applied to claim 14 above. Furthermore Mark discloses a method comprising, said remote computer (auto dialer) causing said personal communicator (telephone) to generate sound and detecting said sound by said computer (auto dialer) as an indication of a request for authentication. (column 35, lines 33-42)

21. As of claim 16, the combination of Morris and Mark disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals comprises at least mostly sonic frequencies. (column 25, lines 53-63; column 35, lines 18-25) (It is interpreted by the office that since the sonic frequencies are those below 15, 000 cycles per second and can be heard by the normal human ear. The encoding method that has been used to encode the authentication signal and decoding it later at the switching circuit system can also be applied if the authentication signal is mostly sonic frequencies and this authentication signal on the auto dialer can also be initialized at the calibration stage.)

Art Unit: 2132

22. As of claim 17, the combination of Morris and Mark disclose the method as applied to claim 16 above. Furthermore Mark discloses a method wherein said signals are encoded using a DTMF-like encoding scheme. (column 35, lines 18-25).

23. As of claim 18, the combination of Morris and Mark disclose the method as applied to claim 9 above. Furthermore Mark discloses a method wherein said authentication signals comprise ultrasonic frequencies. (column 35, lines 18-25) (It is interpreted by the office that since the supersonic frequencies are those above 15, 000 cycles per second and is beyond the range of normal human hearing .This authentication signal or the auto dialer identification information can be initialized into the device at the calibration stage.)

24. As of claim 19, the combination of Morris and Mark disclose the method as applied to any of the claim 1-18 above. Furthermore Mark discloses a method wherein said personal communicator comprises a cellular telephone. (column 34, lines 57-59; column 5, lines 50-52) (It is interpreted by the office that using regular telephone as personal communicator to communicate with computer (auto dialer) meets the recitation of this claim .)

25. As of claim 20, the combination of Morris and Mark disclose the method as applied to any of the claims 1-18 above. Furthermore Mark discloses a method wherein said personal communicator comprises a programmable cellular telephone. (column 34, lines 57-59; column 5, lines 50-52). (It is interpreted by the office that using regular telephone as personal communicator to communicate with computer (auto dialer) meets the recitation of this claim .)

Art Unit: 2132

26. As of claim 21, the combination of Morris and Mark disclose the method as applied to any of the claims 1-18 above. Furthermore Mark discloses a method wherein said cellular telephone comprises a JAVA programmable cellular telephone. (column 34, lines 57-59; column 5, lines 50-52). (It is interpreted by the office that using regular telephone as personal communicator to communicate with computer (auto dialer) meets the recitation of this claim .)

27. As of claim 22, the combination of Morris and Mark disclose the method as applied to any of the claims 1-18 above. Furthermore Mark discloses a method wherein said personal communicator comprises a beeper. (column 34, lines 57-59; column 5, lines 50-52). (It is interpreted by the office that using regular telephone as personal communicator to communicate with computer (auto dialer) meets the recitation of this claim .)

28. As of claim 23, the combination of Morris and Mark discloses the method as applied to any of the claims 1-18 above. Furthermore Mark discloses a method wherein said personal communicator comprises a wireless telephone. (column 34, lines 57-59; column 5, lines 50-52).

CONCLUSION

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892) .

Art Unit: 2132

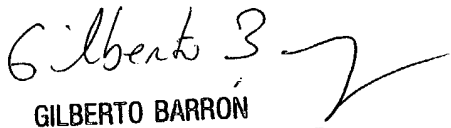
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 703-305-8745. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

08/03/2004


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